

Remarks

Preliminary Matters

Claims 1- 4, 6, 8-10, 13, and 14-18 are pending. Claims 7 and 14 were cancelled.

No additional fees are required. If determined otherwise, the Office is authorized to charge Deposit Account No. 07-1077 for the amount.

The Office has commented about "microreplicated" being a process limitation. Applicant traverses this view, because the adjective "microreplicated" describes the faithful repeated reproduction of the etched pattern by design, not be happenstance.

Withdrawal of Non-Compliant Amendment

Applicant acknowledges the withdrawal of the Notice of Non-Compliant Amendment, with thanks.

Amendment to Specification

Applicant acknowledges the entry of amendments to the specification, with thanks.

Withdrawn Rejections

Applicant acknowledges the withdrawal of prior rejections, with thanks.

Objection to Specification

Notwithstanding the entry of the amendments to the specification, the specification amendments were objected to as constituting new matter. The text in the new paragraphs added after page 5, line 4 are taken, word-for-word, from United States Patent Application Serial No. 09/480,955, one of the applications incorporated by reference in the paragraph of the specification bridging pages 4 and 5. That application issued as U.S. Pat. No. 6,524,694. The text incorporated appears at Col. 4, lines 31-67 and Col. 5, lines 1-67. The cover page and those Columns 4 and 5 of Patent '694 are provided with this response.

§ 112 Rejection

Claims 1-4, 6-10, 13-18 were rejected because "thermoplastic resin" lacked antecedent basis in Claim 1. That has been fixed by amending Claim 1, with support from Claim 3 and Page 3, lines 27-30 and Page 4, lines 1-7 and 28-30.

§ 102 Rejection using U.S. Pat. No. 4,370,368

Claims 1, 4, 6, 13, and 16-18 were rejected using Patent '368. To advance prosecution, Applicant has imported the subject matter of Claim 7 into Claim 1, from which all other claims depend directly or indirectly. Claim 7 has been cancelled. Claims 1, 4, 6, 13, and 16-18 now overcome this §102 rejection.

§ 102 Rejection using U.S. Pat. No. 5,384,173

Claims 1-3, 6-10, 13, 14, and 16-18 were rejected using Patent '173. Applicant traverses this rejection for two very important reasons:

(1) Claim 1 pending requires the claimed product to have **an outer surface having a matte finish with an etched pattern**. Patent '173 **does not** teach or suggest a matte finish on the **outer surface**. Please see Col. 1, lines 46-51 of Patent '173, conveniently reproduced here:

The present invention provides a container for a photographic film which has achieved the above object, comprising a container body being made of a thermoplastic resin having a roughened face 0.001 to 5 μ m in height of roughness on the inner peripheral wall portion.

Patent '173 requires the roughness to be "on the inner peripheral wall" of the container body. Such roughness makes sense for the invention of Patent '173, because the purpose of the invention is to reduce the occurrence of a bursting pop sound, a bottom sink mark, or buckling. These problems existed in the art of making photo film containers and slowed the production cycle. See Col. 1, lines 7-25 and 39-45 of Patent '173.

Applicant is not concerned at all with the inside surface of his molded product. *Applicant wants a matte finish on the outer surface* of his claimed molded thermoplastic product. To emphasize this point, a phrase from Claim 14 was imported into Claim 1 that the etched pattern adds tactile texture to the claimed product. Tactile texture on the outer surface is totally different from roughened inner walls. All pending claims are novel and patentable over Patent '173.

(2) Claim 1 requires **light-diffusing particles**. Patent '173 requires "light-shielding" material to be added to the compound. Please see Col. 11, lines 38-42 of Patent '173, which *defines* light-shielding ability to be opacity, conveniently reproduced here:

To the container for a photographic film of the invention, light-shielding material may be added in order to improve printability, rigidity, light-shielding ability (opacity), physical strength, particularly dropping impact strength or the like.
Representative examples of the light-shielding material is shown below.

Patent '173 *needs opacity* because a photo film container that lets in light will expose the un-shot film in the container.

Applicant's invention is built on the concept of diffused translucency. *Applicant wants a diffused translucency* for his claimed molded product. To emphasize this point, another phrase from Claim 14 was imported into Claim 1 that the frost colorant comprises light-diffusing particles to add diffused translucency to the product. Diffused translucency of a molded thermoplastic product is totally different from opacity for a photo film container by necessity to protect light-sensitive film in that photo film container. All pending claims are novel and patentable over Patent '173 for this reason also.

§103 Rejection

Claim 15 was rejected using Patent '173 because of optimization of particle size. As mentioned above, Patent '173 wants an opaque product, whereas Applicant wants a diffusely translucent product. Particle size does play a role in the selection of Applicant's frost colorant. But no one in the art would look to Patent '173 that demands opacity for its photo film container.

Conclusion

Applicant has overcome numerous references and is entitled to a Notice of Allowance for his claimed invention, a combination of an etched pattern on the outer surface of the molded thermoplastic product and a frost colorant of light-diffusing particles within the molded thermoplastic product.

As stated previously, Applicant combines precise etching to the physical outer surface with a chemical additive of light-diffusing particles to the bulk of the composition of the product to achieve his inventive effect.

If there are any matters that prevent a Notice of Allowance, the Examiner is invited to contact the undersigned by telephone.

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